

RECEIVED

DEC 05 2023

Shelby County
Board of Education
Office of General Counsel

IN THE CIRCUIT COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

ROBERT HORTON, III,
as next friend of ROBERT HORTON, IV
and ROBERT HORTON, IV,

Plaintiff,

vs.

CT-4991-23

MEMPHIS SHELBY COUNTY SCHOOLS,

Defendant.

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: Atty. Odell Horton, Chief Legal Officer
MSCS
160 S. Hollywood St.
Memphis, TN 38112

A lawsuit has been filed against the entity you represent, in this court under the number shown above.

A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint.

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

If a defendant fails to comply with a request for waiver made by a plaintiff, the court shall impose the costs subsequently incurred in effecting service on the defendant unless good cause for the failure be shown.

Please read the enclosed statement about the duty to avoid unnecessary expenses. I certify that this request is being sent to you on the date below.

Respectfully,

Gerald S. Green

Date: 12/1/2023

IN THE CIRCUIT COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

*ROBERT HORTON, III,
as next friend of ROBERT HORTON, IV
and ROBERT HORTON, IV,*

Plaintiff,

vs.

CT-4991-23

MEMPHIS SHELBY COUNTY SCHOOLS,

Defendant.

WAIVER OF SERVICE OF A SUMMONS

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 12/1/2023, the date when this request was sent

If I fail to do so, a default judgment will be entered against me or the entity I represent.

Counsel for Defendant
160 S. Hollywood St.
Memphis, TN 38112

Date: _____

IN THE CIRCUIT COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

*ROBERT HORTON, III,
as next friend of ROBERT HORTON, IV
and ROBERT HORTON, IV,*

Plaintiff,

vs.

CT-4991-23

MEMPHIS SHELBY COUNTY SCHOOLS,

Defendant.

WAIVER OF SERVICE OF A SUMMONS

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 12/1/2023, the date when this request was sent

If I fail to do so, a default judgment will be entered against me or the entity I represent.

Counsel for Defendant
160 S. Hollywood St.
Memphis, TN 38112

Date: _____

IN THE CIRCUIT COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

ELECTRONICALLY FILED
2023 Nov 29 3:37 PM
CLERK OF COURT - CIRCUIT

ROBERT HORTON, III, as next friend and
Guardian of ROBERT HORTON, IV
and ROBERT HORTON, IV,

Plaintiff,

vs.

NO. _____

RECEIVED
DEC 05 2023
Shelby County
Board of Education
Office of General Counsel

MEMPHIS SHELBY COUNTY SCHOOLS,

Defendant.

COMPLAINT FOR DAMAGES FOR STUDENT DISCRIMINATION
AND MALICIOUS PROSECUTION

1. That this action is brought for discrimination in the application of student disciplinary rules, denial of the right to a public education, and malicious prosecution.
2. That this court has jurisdiction of this action.
3. That the Plaintiff, Robert Horton, IV, is a former student of MSCS who was a minor when these acts occurred.
4. That the Defendant is a governmental entity conducting business and administering the public educational system of Memphis within the jurisdiction of this court.
5. That the Plaintiff was falsely accused by another student of threatening to "shoot up" Kirby High School.
6. That an unfair and accusatory investigation by the Defendant proceeded based totally upon the oral accusation of another student.
7. That on or about November 5, 2021, Plaintiff was arrested and suspended from classes for a period of 45 days based on the false accusation mentioned above.

EXHIBIT C

8. That the Plaintiff was traumatized by the unfair suspension from classes.
9. That all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. U.S. Constitution Amendment 14.
9. That the Plaintiff was subjected to unequal and unfair terms in the application of the Defendant's disciplinary rules.
10. That the Plaintiff was falsely and maliciously prosecuted in The Juvenile Court of Memphis & Shelby County because of the Defendant's accusations.
11. That the prosecution of the Plaintiff concluded with a favorable outcome and was dismissed against the Plaintiff.
12. That because of the acts of the Defendant, the Plaintiff has not achieved a high school diploma and is challenged in his pursuit of life, liberty and pursuit of happiness. Article XI, § 12 of the Constitution of Tennessee "guarantees to all children of school age in the state the opportunity to obtain an education." *Tennessee Small Sch. Sys. v. McWherter*, 851 S.W.2d 139, 140 (Tenn. 1993). To implement this constitutional imperative, the General Assembly has created a statutory right to a public education that benefits all school-age children in Tennessee.
13. That the Plaintiff has suffered emotional harm, inconvenience, loss of the right to a public education, loss of enjoyment of life; compensatory damages in the amount of \$250,000.00.

Wherefore, Plaintiff demands judgment against the Defendant for compensatory damages in the amount of \$250,000.00, funds that his parents had to expend to further his education while suspended from the Defendant's facilities, Defendants' disparate treatment of Plaintiff, malicious prosecution, reasonable attorney fees and the costs of litigation and such other and appropriate relief as the court deems just.

Plaintiff demands a jury to hear the suitable issues in this cause.

*/s/ Gerald S. Green*_____

Gerald S. Green #9470

P.O. Box 264

Memphis, TN 38103

Tel.: 901-826-7955

Fax: 901-201-5885

Email: indictmentdefense@gmail.com